

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JESSICA ANNA DE BACKRE DALI,

No. 2:22-cv-00287 WBS DB

Plaintiff,

v.

MERCEDES-BENZ USA, LLC, a
Delaware Limited Liability
Company,

Defendant.

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for June 21, 2022, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All named defendants have been served, and no further service is permitted without leave of court, good cause having been shown under Federal Rule of Civil Procedure 16(b).

1 II. JOINDER OF PARTIES/AMENDMENTS

2 No further joinder of parties or amendments to
3 pleadings will be permitted except with leave of court, good
4 cause having been shown under Federal Rule of Civil Procedure
5 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
6 (9th Cir. 1992).

7 III. JURISDICTION/VENUE

8 Jurisdiction is predicated upon 28 U.S.C. § 1332,
9 because there is complete diversity between the parties and the
10 amount in controversy exceeds \$75,000. Venue is undisputed and
11 hereby found to be proper.

12 IV. DISCOVERY

13 The parties agree to serve the initial disclosures
14 required by Federal Rule of Civil Procedure 26(a)(1) on or before
15 June 17, 2022.

16 The parties shall disclose experts and produce reports
17 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
18 later than May 17, 2023. With regard to expert testimony
19 intended solely for rebuttal, those experts shall be disclosed
20 and reports produced in accordance with Federal Rule of Civil
21 Procedure 26(a)(2) on or before May 31, 2023.

22 All discovery, including depositions for preservation
23 of testimony, is left open, save and except that it shall be so
24 conducted as to be completed by June 14, 2023. The word
25 “completed” means that all discovery shall have been conducted so
26 that all depositions have been taken and any disputes relevant to
27 discovery shall have been resolved by appropriate order if
28 necessary and, where discovery has been ordered, the order has

1 been obeyed. All motions to compel discovery must be noticed on
2 the magistrate judge's calendar in accordance with the local
3 rules of this court and so that such motions may be heard (and
4 any resulting orders obeyed) not later than June 14, 2023.

5 V. MOTION HEARING SCHEDULE

6 All motions, except motions for continuances, temporary
7 restraining orders, or other emergency applications, shall be
8 filed on or before July 10, 2023. All motions shall be noticed
9 for the next available hearing date. Counsel are cautioned to
10 refer to the local rules regarding the requirements for noticing
11 and opposing such motions on the court's regularly scheduled law
12 and motion calendar.

13 VI. FINAL PRETRIAL CONFERENCE

14 The Final Pretrial Conference is set for September 11,
15 2023, at 1:30 p.m. in Courtroom No. 5 or via videoconference.
16 The Courtroom Deputy will notify the parties prior to the
17 Conference whether the Conference will be held in person or via
18 videoconference. The conference shall be attended by at least
19 one of the attorneys who will conduct the trial for each of the
20 parties and by any unrepresented parties.

21 Counsel for all parties are to be fully prepared for
22 trial at the time of the Pretrial Conference, with no matters
23 remaining to be accomplished except production of witnesses for
24 oral testimony. Counsel shall file separate pretrial statements,
25 and are referred to Local Rules 281 and 282 relating to the
26 contents of and time for filing those statements. In addition to
27 those subjects listed in Local Rule 281(b), the parties are to
28 provide the court with: (1) a plain, concise statement which

1 identifies every non-discovery motion which has been made to the
2 court, and its resolution; (2) a list of the remaining claims as
3 against each defendant; and (3) the estimated number of trial
4 days.

5 In providing the plain, concise statements of
6 undisputed facts and disputed factual issues contemplated by
7 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
8 that remain at issue, and any remaining affirmatively pled
9 defenses thereto. If the case is to be tried to a jury, the
10 parties shall also prepare a succinct statement of the case,
11 which is appropriate for the court to read to the jury.

12 VII. TRIAL SETTING

13 The jury trial is set for October 24, 2023 at 9:00 a.m.
14 The parties estimate that the trial will last five days.

15 VIII. SETTLEMENT CONFERENCE

16 The parties state they will schedule a private
17 mediation and complete it by June 28, 2023. If the case has not
18 settled by the time of the Pretrial Conference, a Settlement
19 Conference with a magistrate judge will be set at that time.
20 Counsel are instructed to have a principal with full settlement
21 authority present at the Settlement Conference or to be fully
22 authorized to settle the matter on any terms. At least seven
23 calendar days before the Settlement Conference counsel for each
24 party shall submit a confidential Settlement Conference Statement
25 for review by the settlement judge. The Settlement Conference
26 Statements shall not be filed and will not otherwise be disclosed
27 to the trial judge.

28 IX. MODIFICATIONS TO SCHEDULING ORDER

1 Any requests to modify the dates or terms of this
2 Scheduling Order, except requests to change the date of the
3 trial, may be heard and decided by the assigned Magistrate Judge.
4 All requests to change the trial date shall be heard and decided
5 only by the undersigned judge.

6 IT IS SO ORDERED.

7 Dated: June 14, 2022



8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE
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